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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

TAMMY WILHITE,	)	
Plaintiff,	)	CV19-20-BLG-TJC
	)	
vs.	)	Consolidated with:
	)	CV 19-102-BLG-SPW-TJC
PAUL LITTLELIGHT,	)	
LANA THREE IRONS,	)	
HENRY PRETTY ON TOP,	)	
SHANNON BRADLEY, and	)	
CARLA CATOLSTER,	)	
Defendants.	)	
_____	)	PLAINTIFF'S RESPONSE BRIEF
	)	TO DEFENDANTS' MOTION TO
TAMMY WILHITE,	)	STAY
Plaintiff,	)	
	)	
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
Defendant.	)	
_____	)	

The individual Defendants have petitioned this Court to stay all proceedings pending a decision on their current motion to dismiss. The Court has adopted a scheduling Order. Staying discovery and other disclosures will upend the scheduling order adopted by the Court.

This matter has been pending approximately two years. It has only recently progressed beyond the motion to dismiss level. The individual Defendants have filed serial motions to dismiss. (See, Dkt-16 for a discussion of the serial motions.) The most recent motion to stay is just another attempt to prolong the process in hopes the Plaintiff will lose interest, counsel will retire, or the case will otherwise go away. The Court should not allow such delaying tactics and should allow the case to proceed according to the scheduling order entered by the Court.

The Defendants' current motion to dismiss is without merit for the reasons set forth by the United States in its brief on the underlying motion to dismiss (Dkt-45) and argued by the Plaintiff in her brief on that topic. (Dkt-46). Defendants should not be allowed to delay matter further based on a meritless motion.

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### CONCLUSION

For the reasons set forth above, this Court should deny the motion to stay pending a decision on Defendants' current (third) motion to dismiss.

Dated this 27<sup>th</sup> day of January, 2021

EAKIN & BERRY, PLLC

/s/ D. Michael Eakin

### CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(d)(2)(E) the attached brief is proportionately spaced, has a typeface of 14 points and contains 230 words, excluding captions and certificates of compliance and service.

Dated this 27<sup>th</sup> day of January, 2021

/s/ D. Michael Eakin

### **CERTIFICATE OF SERVICE**

I certify that on the 27<sup>th</sup> day of January 2021, the foregoing document was served by:

<u>1, 2, 3,4</u>	CM/ECF
_____	U.S. Mail
_____	Email

Upon:

1. Clerk of Court
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